

1  
2  
3  
4 JAMES M. SWANSON,  
5 Plaintiff,  
6 v.  
7 ALZA CORPORATION,  
8 Defendant.  
9

10  
11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 Case No. 12-cv-04579-PJH (KAW)  
15 ORDER REGARDING JOINT  
16 DISCOVERY LETTER NO. 4  
17 Dkt. No. 162

18 On May 2, 2014, the parties filed six joint letters addressing various discovery disputes,  
19 including Joint Letter No. 4, which pertains to whether Plaintiff sufficiently responded to ALZA's  
20 Requests for Admission. (Joint Letter No. 4, "Joint Letter," Dkt. No. 162.)

21 As an initial matter, it is not clear which Requests for Admission (RFA) are the subject of  
22 this dispute. (*See* Joint Letter at 3.) The parties have formatted their Joint Letter in such a way that  
23 the Court is unable to clearly identify, let alone resolve, which responses are allegedly deficient.

24 Generally, to the extent that Plaintiff's responses to the RFAs incorrectly quote documents  
25 or object to terms that do not appear in the individual requests, they need to be corrected. (*See*  
26 Joint Letter at 3.) Additionally, Plaintiff has an ongoing duty to supplement and/or correct RFAs  
27 that are not accurate. Fed. R. Civ. P. 26(e). Further, RFAs must be answered how they are  
28 written. Plaintiff has impermissibly answered some requests by reframing of them. This is  
impermissible, and those responses must be corrected.

29 Plaintiff, however, has a right to respond to any request notwithstanding his objections, so  
30 long as he clearly identifies the specific objection(s) applicable to a particular request. He cannot  
31 rely solely on a slew of general objections that precede his responses. Also, if Plaintiff does not  
32 know the answer to the request, he must simply state that he "lacks sufficient information to admit

1 or deny the request.” It is not appropriate for Plaintiff to simply serve objections and refuse to  
2 answer notwithstanding those objections. To the extent that certain “responses” only contain  
3 objections, Plaintiff is ordered to answer notwithstanding his objections.

4 The Court is very disappointed in the parties’ apparent unwillingness to resolve any  
5 discovery disputes on their own. The parties are ordered to meet and confer to narrow the scope  
6 of this discovery dispute. Should the parties be unable to resolve this dispute without further court  
7 intervention, they shall file another joint letter clearly identifying the remaining RFAs at issue.  
8 The letter must be in the following format to ensure that the parties are addressing the same  
9 requests, and are doing so in a manner that facilitates the Court’s resolution of the remaining  
10 disputes:

11 **A. Request for Admission No. 7**

12 [Summarize the issue and reproduce the request.]

13 Defendant’s Position

14 [Defendant’s position outlining why Plaintiff’s response is deficient and  
15 the relief requested.]

16 Plaintiff’s Position

17 [Plaintiff’s rationale as to why he fully responded to the request, etc.]

18 **B. Request for Admission No. 12**

19 [Summarize the issue and reproduce the request.]

20 Defendant’s Position

21 [Defendant’s position outlining why Plaintiff’s response is deficient and  
22 the relief requested.]

23 Plaintiff’s Position

24 [Plaintiff’s rationale as to why he fully responded to the request, etc.]

25  
26 This format should be used for each dispute, and the parties should attach the propounded  
27 discovery and the applicable responses as exhibits to the joint discovery letter.

28 Accordingly, the Court orders Plaintiff to supplement those responses to ALZA’s Requests

1 for Admission that suffer from the general deficiencies described above within 21 days of this  
2 order. As to the remaining requests, the parties are ordered to meaningfully meet and confer in  
3 good faith prior to seeking any additional court intervention.

4 IT IS SO ORDERED.

5 Dated: June 18, 2014



6  
7 KANDIS A. WESTMORE  
United States Magistrate Judge

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
United States District Court  
Northern District of California